

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

BIOGEN INTERNATIONAL GMBH and )  
BIOGEN MA INC., )  
 )  
Plaintiffs, )  
 ) Civil Action No. 17-823-MN  
v. ) (Cons.)  
 )  
 )  
AMNEAL PHARMACEUTICALS )  
LLC, et al., )  
 )  
Defendants. )

**JUDGMENT**

WHEREAS, Plaintiffs' only remaining infringement allegations against Defendants Accord Healthcare Inc., Alkem Laboratories Ltd., Amneal Pharmaceuticals LLC, Cipla Limited, Cipla USA Inc., Graviti Pharmaceuticals Pvt. Ltd., Graviti Pharmaceuticals Inc., Hetero Labs Limited, Hetero Labs Limited Unit-III, Hetero USA Inc., Lupin Atlantis Holdings SA, MSN Laboratories Private Ltd., MSN Pharmaceuticals Inc., Pharmathen S.A., Princeton Pharmaceutical Inc., S&B Pharma, Inc., Sandoz Inc., Shilpa Medicare Limited, TWi Pharmaceuticals, Inc. and TWi Pharmaceuticals USA, Inc., Slayback Pharma LLC, Slayback Pharma India LLP, and Zydus Pharmaceuticals (USA) Inc. in the above-captioned cases, *Biogen Int'l GmbH, et al. v. Amneal Pharms LLC, et al.*, C.A. No. 17-823-MN (Consolidated) ("the Consolidated Actions") (see D.I. 22), are for alleged infringement of claims 1- 4, 6, 8-13 and 15-16 ("the Asserted Claims") of U.S. Patent No. 8,399,514 ("the '514 Patent");

WHEREAS, the Asserted Claims of the '514 Patent previously have been held invalid for lack of written description support under 35 U.S.C. § 112, and a corresponding final judgment has been entered, in *Biogen Int'l GmbH et al. v. Mylan Pharma. Inc.*, Civil Action No. 17-cv-116 IMK-JPM, Dkt. Nos. 400, 401, 412 and 413 (N.D. W. Va. June 22, 2020); and

WHEREAS, this Court has ordered that the judgment from the Northern District of West Virginia that the Asserted Claims of the '514 Patent are invalid for lack of written description applies in these Consolidated Actions under the principles of collateral estoppel. (D.I. 402 and 403.)

**IT IS HEREBY ORDERED** and **ADJUDGED** that judgment is hereby entered against Plaintiffs and in favor of Defendants Accord Healthcare Inc., Alkem Laboratories Ltd., Amneal Pharmaceuticals LLC, Hetero Labs Limited, Cipla Limited, Cipla USA Inc., Graviti Pharmaceuticals Pvt. Ltd., Graviti Pharmaceuticals Inc., Hetero Labs Limited Unit-III, Hetero USA Inc., Lupin Atlantis Holdings SA, MSN Laboratories Private Ltd., MSN Pharmaceuticals Inc., Pharmathen S.A., Prinston Pharmaceutical Inc., S&B Pharma, Inc., Sandoz Inc., Shilpa Medicare Limited, TWi Pharmaceuticals, Inc. and TWi Pharmaceuticals USA, Inc., Slayback Pharma LLC, Slayback Pharma India LLP, and Zydus Pharmaceuticals (USA) Inc. that the asserted claims of the '514 Patent are invalid based on lack of written description under the principles of collateral estoppel. Any other pending claims, counterclaims, and defenses are dismissed as moot.

**IT IS HEREBY FURTHER ORDERED** that the Parties shall defer all requests for costs and attorney's fees until the conclusion of all appeals regarding the Consolidated Actions.

**IT IS HEREBY FURTHER ORDERED** that this Judgment is also entered in each member case of the Consolidated Actions: 17-cv-823, 17-cv-825, 17-cv-845, 17-cv-847, 17-cv-

850, 17-cv- 851, 17-cv-853, 17-cv-855, 17-cv-856, 17-cv-874, 17-cv-954, 17-cv-872, 17-cv-846; and 17-cv-828.

IT IS HEREBY FURTHER ORDERED the Parties may seek reinstatement of their claims and counterclaims pursuant to Fed. R. Civ. P. 60(b)(5) if the judgment from the Northern District of West Virginia is reversed or vacated on appeal.

Dated: September 22, 2020

Maryellen Noreika  
The Honorable Maryellen Noreika  
United States District Judge